

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Bair Hugger Forced-Air Warming Devices Products Liability Litigation) File No. 15-MD-2666
) (JNE/FLN)
)
) February 7, 2017
) Minneapolis, Minnesota
) Courtroom 9 West
) 2:00 P.M.
)

(HEARING ON MOTIONS)

BEFORE THE HONORABLE FRANKLIN L. NOEL
UNITED STATES MAGISTRATE JUDGE

TIMOTHY J. WILLETTTE, RDR, CRR, CRC
Official Court Reporter - United States District Court
1005 U.S. Courthouse - 300 South Fourth Street
Minneapolis, Minnesota 55415
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1 MR. HODGES: Yes, Your Honor.

2 THE COURT: And have you or someone at -- a lawyer
3 at Kennedy Hodges reviewed independently and made an
4 independent legal determination that each of the documents
5 on the privilege log is in fact privileged?

6 MR. HODGES: The documents --

7 THE COURT: Or the flip side of that is --

8 MR. HODGES: Sure.

9 THE COURT: -- are you just relying on
10 Mr. Benham's work in that regard?

11 MR. HODGES: No, Your Honor. We conducted our own
12 review and determined that there were a number of these
13 documents that we did not believe would be our work product
14 and those documents have been produced to 3M.

15 THE COURT: Okay.

16 MR. HODGES: So I think we've produced about 31
17 pages' worth of these e-mails to 3M and however many
18 documents that entails, so they've gotten a chunk of these
19 documents already.

20 THE COURT: As to the first 84, which are the only
21 ones at issue here today, I believe every single one of them
22 has at least in part Kennedy Hodges work product as the
23 asserted basis for withholding, is that correct?

24 MR. HODGES: The log says what it says. I'm not
25 sure, Your Honor, whether it's asserted for every one or